

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Wayne H. Hanson et al.) Group Art Unit 3636
)
Serial No. 10/697,363) Examiner Joseph F. Edell
)
Filed: October 30, 2003) Confirmation No. 7882
)
For: DYNAMIC SEATING SYSTEM FOR) Attorney Docket 1-24778
PERSONAL MOBILITY VEHICLE)

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF PETER N. CIONITTI

I, Peter N. Cionitti, declare and state that:

1. I am a 1988 graduate of the State University of New York at Buffalo with a Bachelor of Arts degree from the School of Architecture and Design. I received a Masters of Arts and Humanities degree from the School of Architecture and Design and the School of Health Related Professions of the State University of New York at Buffalo in 1990. I have published a graduate thesis entitled "*Postural Wheelchair Seat Investigation*" and was a contributing author to the National Science Foundation's 1990 Senior Design Project to Aid the Disabled.

2. My professional career includes experience as General Manager of the Seating Division of Rehab Designs of America in 1993. In 1996, I formed RehabiliTech Inc. and operated as President and owner. RehabiliTech Inc. was a manufacturer of Custom Seating Systems for those dependent on wheelchair use. This

business was very successful and was purchased by Sunrise Medical in 2004. Since 2004, I have been and continue to be the Vice President of Engineering for the Custom Seating Division of Sunrise Medical HHG. In this capacity I direct and supervise the engineers and engineering activities that support development, design, and production of seating systems for the personal mobility vehicle market.

3. My training and work experience has allowed me to become familiar with the interactions of disabled persons with their lifestyle support equipment. In particular, because of my experience I have developed a specific familiarity with the design and use of seating devices and systems for wheelchair applications.

4. I have read and understand U.S. Patent Application No. 10/697,363, naming Wayne H. Hanson, William B. Phelps, and Stephen M. Sanford as co-inventors. The Hanson et al. patent application discloses a seating system for use with a personal mobility vehicle. The seating system, in particular, allows movement relative to a personal mobility vehicle frame in reaction to the tone extension of a seated user. Tone extension is an involuntary muscle reaction whereby a patient's muscles stiffen and the body and extremities extend or straighten from the seated position. The seating system accommodates tone extension by allowing the free movement of the seating system in reaction to the user. Part of the free movement of the seating system relies on the relative position of the articulating portions of the seating system to the natural pivoting points and joint kinematics of the user.

5. I have read the basis for rejection by the Examiner in the Office Action dated October 30, 2008. In particular, I have read the rejection of the Claims, based on 35 U.S.C. §112, second paragraph, that labels as unclear the phrases "that is positioned to be at the anatomical hip pivot point of the user of the seating system" and "the leg support pivot point being positioned to be at the anatomical knee pivot point of the user of the seating system".

6. One skilled in the art of designing systems to accommodate disabled persons, generally, would be familiar with the kinematic operation of various joints and articulation points of the human body. One skilled in the art would also be

familiar with the structural movements and limitations of articulating devices, such as hinges, pivot pins, and the like, that support and react to user movements. Thus, one skilled in the art would understand that joints, such as knees and hips, have anatomical pivot points. Furthermore, one would know that these anatomical pivot points establish rotational centerlines that can be associated with adjacent pivoting or hinged structures. Thus, positioning of adjacent articulating structures for complimentary movement relative to the pivoting of a knee or hip would be clearly understood by a designer of personal mobility vehicle seats.

7. It is clear that the phrase "that is positioned to be at the anatomical hip pivot point of the user of the seating system" would be understood by one of ordinary skill in the art to relate to a structure positioned proximate to the rotational intersection point of the legs and the torso of a user. It is also clear that the phrase "the leg support pivot point being positioned to be at the anatomical knee pivot point of the user of the seating system" would be understood by one of ordinary skill in the art to relate to positioning the rotational centerline of the hinge point of a leg support system to generally be coincident with the rotational axis of a user's knee.

8. I hereby declare that all statements made in this affidavit of my own knowledge are true, and that all statements made on information or belief are believed to be true; and further, all these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 C.F.R. §1001, and that such willful false statements may jeopardize the validity of the application and any patent issued from the application.



Peter N. Cionitti

1/26/2009

Date